

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

RICHARD XIA, a/k/a YI XIA; and  
FLEET NEW YORK METROPOLITAN  
REGIONAL CENTER, LLC, f/k/a FEDERAL  
NEW YORK METROPOLITAN REGIONAL  
CENTER, LLC,

21 Civ. 5350 (PKC)

Defendants,

-and-

JULIA YUE, A/K/A JIQING YUE; XI VERFENSTEIN;  
and XINMING YU,

Relief Defendant.

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, on September 29, 2023, plaintiff Securities and Exchange Commission (“SEC”) filed a Motion to Compel Defendants Richard Xia (“Xia”) and Fleet New York Metropolitan Regional Center, LLC (“Fleet,” together with Xia, “Defendants”) to Produce Documents and Provide a Sworn Affidavit, together with a memorandum of law, affidavit, and exhibits (the “Motion to Compel”) [ECF Dkt. Nos. 344, 345]; on November 6, 2023, Defendants filed an Opposition to the Motion to Compel, together with affidavits and exhibits [ECF Dkt. Nos. 355, 356, 357]; and, on November 13, 2023, the SEC filed its Reply in Support of the Motion to Compel, together with an affidavit and exhibits [ECF Dkt. Nos. 362, 363];

WHEREAS, Plaintiff SEC and Defendants agree to stipulate to the relief sought by the SEC in connection with its Motion to Compel; and

NOW THEREFORE, Plaintiff SEC and Defendants hereby stipulate as follows: Within twenty-one (21) days, Defendants shall each provide the SEC with an affidavit stating the following,

1. The location(s), file(s), computer(s), mobile device(s), and email address(es) and servers where such Defendant has maintained responsive documents and communications;
2. The steps such Defendant has taken to preserve responsive documents and communications at the location(s), file(s), computer(s), mobile device(s), and email address(es) and servers where they have been maintained;
3. The location(s), file(s), computer(s), mobile device(s), and email address(es) and servers where such Defendant conducted searches for responsive documents and communications;
4. A description of how such Defendant conducted searches for responsive documents and communications, including any search terms, date ranges, or other limitations;
5. A description of any responsive documents that are no longer in such Defendants' possession, custody, and control; and the date(s) on which those documents left such Defendant's possession, custody, and control; and
6. The person(s) involved in the efforts to search for responsive documents and communications, including their role(s) in those efforts and the time frame during which they were involved.

IT IS HEREBY FURTHER STIPULATED that Defendants' counsel shall meet immediately with their clients to review the methodology and the search results to confirm whether all necessary areas have been properly searched and all responsive documents as well as ESI have been produced.

IT IS HEREBY FURTHER STIPULATED that Defendants shall produce all additional documents responsive to the SEC's requests by January 22, 2024, unless such date is extended by agreement of the parties.

IT IS HEREBY FURTHER STIPULATED that upon completion of their respective document productions, Defendants shall each provide a sworn statement that they have conducted a diligent search and that no further responsive documents or communications exist in such Defendant's possession, custody, or control.

IT IS HEREBY FURTHER STIPULATED that for any of the SEC's requests as to which either Defendant claims that no responsive documents exist in their possession, custody, or control, such Defendant shall provide a sworn statement so stating, and explaining why no such documents exist.

Dated: November 29, 2023

By:

*C.M. Colorado*

Christopher M. Colorado  
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*Attorneys for Plaintiff*

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By:

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*Attorneys for Richard Xia*

Dated: November 29, 2023

By:

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*Attorneys for Fleet New York Metropolitan  
Regional Center, LLC*

**SO ORDERED.**

November 29, 2023

Joseph A. Marutollo

Hon. Joseph A. Marutollo  
Magistrate Judge  
United States District Court for  
the Eastern District of New York